

EDU # 7375-99
C # 211-01
SB # 28-01

ROBERT NADASKY, PATRICIA WALDVOGEL	:	
AND JAMES DOUGHERTY,	:	
	:	
PETITIONERS-APPELLANTS,	:	STATE BOARD OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	
OF CLARK, UNION COUNTY,	:	
	:	
RESPONDENT-RESPONDENT.	:	

Decided by the Commissioner of Education, July 9, 2001

For the Petitioners-Appellants, Peterpaul, Clark & Corcoran (Luanne M. Peterpaul, Esq., of Counsel)

For the Respondent-Respondent, Kenney, Gross, Kovats & Campbell (Michael J. Gross, Esq., of Counsel)

The appellants, retired staff members of the Clark Township Board, filed a petition with the Commissioner of Education alleging that they should have been reimbursed for unused accumulated sick leave upon their retirement in accordance with the provisions of the collective bargaining agreement that had governed their employment in the Union County Regional High School District No. 1 prior to its dissolution. The Commissioner dismissed the petition, finding that the appellants had failed to file within the 90-day period set forth in N.J.A.C. 6A:3-1.3(d).

On August 13, 2001, the appellants filed the instant appeal to the State Board.

Pursuant to N.J.A.C. 6A:4-1.11(a), the appellants' brief in support of their appeal was due on September 4, 2001, 20 days after they filed their notice of appeal. The appellants, however, failed to file a brief by that date. By letter dated September 7, 2001, the Director of the State Board Appeals Office notified the appellants of their failure to file a brief and informed them that this matter was being referred to the Legal Committee of the State Board for consideration of their failure to perfect the appeal.

The appellants have still failed to file a brief in support of their appeal, a month after the filing deadline. Nor have the appellants offered any explanation for their failure to file or requested an extension of time for such filing. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

October 3, 2001

Date of mailing _____